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5 *Attorneys for Relators*

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA and  
STATE OF CALIFORNIA *ex rel.*  
12 DIXIE SWITZER, AS EXECUTOR  
TO THE ESTATE OF TED  
13 SWITZER, AND DIXIE SWITZER,

14 Plaintiffs,

15 v.

16 ROBERT C. WOOD, II; *et al.*;

17 Defendants.

CASE NO. CV 18-8118-CJC (ASx)

STIPULATION OF DISMISSAL

Complaint Filed: September 19, 2018

1 In accordance with the terms and conditions of the applicable ~~September~~,  
2 ~~2024~~, Settlement Agreements among the United States of America, the State of  
3 California, and the California Department of Insurance (“Governments”), Defendants  
4 Michael Maguire, M.D. and Sean Early, M.D. (“Defendants”), and Relator Dixie  
5 Switzer in her own stead and as executor to the estate of Ted Switzer (“Relators”),  
6 Defendants have complied with Sections 1 and 3 of the Settlement Agreements ~~or will~~  
7 ~~comply by no later than October~~, 2024. (FCA Settlement Agreement at §§1, 3;  
8 CFCA Settlement Agreement at §§ 1, 3; CIFPA Settlement Agreement at §§ 1, 3).

9 Accordingly, and pursuant to Rule 41(a) of the Federal Rules of Civil Procedure,  
10 the *qui tam* provisions of the False Claims Act (“FCA”), 31 U.S.C. § 3730(b)(1),  
11 California False Claims Act (“CFCA”), Cal. Gov’t Code § 12652(c)(1), the California  
12 Insurance Fraud & Prevention Act (“CIFPA”), Cal. Ins. Code § 1871.7(g)(2), and the  
13 terms and conditions of the Settlement Agreements, the parties submit this Stipulation  
14 of Dismissal.

15 **I. Claims on Behalf of the Governments**

16 The Governments and Relators stipulate, through their undersigned counsel, to  
17 the entry of an Order: (1) dismissing with prejudice to the United States, the State of  
18 California, the California Department of Insurance, and Relators all claims asserted on  
19 behalf of the Governments against Defendants concerning the Covered Conduct as the  
20 term is defined in Paragraph D of the Settlement Agreements; (2) dismissing without  
21 prejudice to the Governments and with prejudice to Relators any other claims asserted  
22 on behalf of the Governments against Defendants in this action; and (3) dismissing  
23 without prejudice to Relators and the Governments as to the claims asserted against  
24 the Defaulting Defendants and Counter-Defendants Robert C. “Sonny” Wood II,  
25 Access Medical, LLC, and The Timberline Group, LLC (“Defaulting Defendants and  
26 Counter-Defendants”).<sup>1</sup>

27  
28 <sup>1</sup> On May 16, 2023, the court severed the remaining defendants from this action  
and transferred the claims against the severed defendants to the District of Nevada and  
the Southern District of Georgia (Dkt. 105).

1 **II. Relators' Claims**

2 Relators stipulate that the amounts, share, fees, and costs pursuant to 31 U.S.C.  
3 § 3730(d), Cal. Gov't Code § 12652(g)(8), and Cal. Ins. Code § 1871.7(g)(2) are fair,  
4 adequate, and reasonable under all circumstances, will not challenge the settlement,  
5 and expressly waive the opportunity for a hearing of any objection to the settlement  
6 pursuant to 31 U.S.C. § 3730(c)(2)(B), Cal. Gov't Code § 12652(e)(2)(B), and Cal.  
7 Ins. Code § 1871.7(f)(2)(B).

8 **III. Defendants' Counterclaims**

9 Defendants dismiss without prejudice all claims asserted by them against  
10 Defaulting Defendants and Counter-Defendants.

11 This stipulation does not waive or otherwise affect the ability of the  
12 Governments or any other person to contend that 31 U.S.C. § 3730(b)(3), (b)(5), and  
13 (e), Cal. Gov't Code §§ 12652(c)(5), (c)(10), and (d), or Cal. Ins. Code §§  
14 1871.7(b)(3), (b)(5), and (e), bar Relators or any other person from sharing in the  
15 proceeds of the settlement.

16 Respectfully submitted,

17 Dated: October 2, 2024

COTCHETT, PITRE & MCCARTHY, LLP

18 By: Grace Y. Park  
19 Grace Y. Park  
Attorneys for Relators

20  
21 Dated: September 27, 2024

RIMÓN PC


22 By: J. Paul Gignac  
23 J. Paul Gignac  
24 Claire K. Mitchell  
Attorneys for Defendants Sean D. Early,  
M.D. and Michael Maguire, M.D.

25  
26 Dated: ~~September~~, 2024

27 October 2,

28 By: David M. Finkelstein  
David M. Finkelstein, Trial Attorney  
U.S. Department of Justice  
Attorneys for United States of America

1 Dated: September 26, 2024

2  
3 By:   
4 Quisteen S. Shum  
5 Supervising Deputy Attorney General  
6 California Department of Justice  
7 *Attorneys for the State of California*

8 Dated: September , 2024

9 By: \_\_\_\_\_  
10 Heather Hoesterey  
11 Counsel for State of California  
12 *Attorneys for California Department of*  
13 *Insurance*

1 Dated: September [REDACTED], 2024

2  
3 By: \_\_\_\_\_  
4 Quisteen S. Shum  
5 Supervising Deputy Attorney General  
6 California Department of Justice  
7 *Attorneys for the State of California*

8 Dated: September 25, 2024

9 By:  \_\_\_\_\_  
10 Nathaniel Spencer-Mork  
11 Counsel for State of California  
12 *Attorneys for California Department of*  
13 *Insurance*